IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3060 OF 2005

Mrs.Sangeeta Bhatia @ Ritu Bhatia ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr.Rajendra Shirodkar for Applicant.

Mr.A.S.Gadkari, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

MAY 5, 2005.

P.C.

1. Heard Counsel for the parties. Perused the record.

2. The controversy essentially appears to be on account of matrimonial disputes between the husband and wife. The husband is in employment of the Applicant. The case of the Applicant is that she has been falsely implicated by the wife for ulterior purpose.

3. According to the Applicant, in fact, custody of the children was always with the husband, who is in her employment since after July 2002. The fact that custody was made over to the husband is accepted in the affidavit sworn by the wife dated 4th July 2002. Besides, the legal notice sent on behalf of the wife to the husband dated 7th April 2003 virtually concedes the position that the children were in the custody of the husband and the husband was not even providing access to the wife.

4. Learned A.P.P. fairly accepts, on instructions, that so far, there is no record to suggest that the position was changed subsequently between the parties and the custody of the children was given back to the first informant wife.

5. If it is so, prima facie, there is substance in the argument of the Applicant that the complaint as registered, is figment of imagination of the wife, which has been filed out of ulterior purpose.

6. It is not in dispute that presently, the custody of the children is with the husband. If it is so, Applicant is entitled for relief claimed in this Application.

7. Application succeeds on the following terms:

(a) The Applicant is granted anticipatory bail in connection with C.R.No.I-59 of 2005 registered with Central Police Station on executing personal bond in the sum of Rs.20,000/- (Rupees Twenty Thousand) with two local sureties in the like amount.

(b) The Applicant shall not influence the prosecution witnesses nor shall tamper with the prosecution evidence in any manner whatsoever.

(c) The Applicant shall co-operate for the early disposal of the trial. If the Trial Court is of the opinion that the Applicant is, in any

manner, responsible for causing delay in disposal of the trial, that fact be recorded in the Roznama, which can be a ground for cancellation of bail.

8. This order shall enure in favour of the Applicant till filing of the charge-sheet.

9. Application disposed of accordingly.

A.M.KHANWILKAR, J.